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Attorneys for Defendant, MTC FINANCIAL INC., dba TRUSTEE CORPS

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OLIVIA C. NEWMAN; MICHAEL K. NEWMAN

Plaintiffs,

vs.

**ONEWEST BANK, FSB; INDYMAC
 FEDERAL BANK, FSB; MTC FINANCIAL
 INC., dba TRUSTEE CORPS; FRANKLIN
 BANK, SSB; INDYMAC MORTGAGE
 SERVICES, FDIC as Receiver of INDYMAC
 Federal Bank - #10007; DEUTSCHE BANK
 NATIONAL TRUST COMPANY, as Trustee
 on behalf of the Certificate holders of the
 Residential Asset Securitization Trust 2006-
 A16, Mortgage Pass-Through Certificates
 Series 2006-P, as assignee of MORTGAGE
 ELECTRONIC REGISTRATION SYSTEMS
 INC. ("MERS"), acting as nominee for
 IndyMac Bank FSB, and; and DOES 1 through
 1000 inclusive**

Defendants.

**CASE NO. 5:10cv-00064-AHM
 (DTBx)**

**NOTICE OF MOTION AND
 MOTION TO DISMISS FIRST
 AMENDED COMPLAINT
 AGAINST DEFENDANT MTC
 FINANCIAL INC., dba TRUSTEE
 CORPS FOR FAILURE TO
 STATE A CLAIM UPON WHICH
 RELIEF MAY BE GRANTED**

[Fed. R. Civ. P. Rules 12(b)(6)]

Filed Under Separate Cover:

- 1. Memorandum of Points and
 Authorities in Support Thereof
 [Fed. R. Civ. P. Rule 12 (b)(6)]**
- 2. Request for Judicial Notice**

DATE: June 28, 2010
TIME: 10:00 a.m.
CRTM: 14

**TO THE HONORABLE A. HOWARD MATZ, UNITED STATES DISTRICT
 COURT JUDGE, AND TO PLAINTIFFS:**

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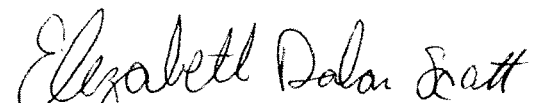
1 **PLEASE TAKE NOTICE** that on June 28, 2010 at 10:00 a.m., or as soon
2 thereafter as the matter may be heard, in Courtroom 14, of the above-entitled Court located
3 at 312 N. Spring Street, Los Angeles, California 90012, Defendant MTC Financial Inc.,
4 dba Trustee Corps ("TRUSTEE CORPS") will and does hereby move the Court to Dismiss
5 the First Amended Complaint, with prejudice, for failure to state a claim upon which relief
6 may be granted. This Motion is made and based upon Rule 12(b)(6) of the Federal Rules of
7 Civil Procedure.

8 This Motion will be made and based upon this Notice, the Memorandum of Points
9 and Authorities submitted herewith, the Declaration of Elizabeth Dolan Scott together with
10 the Request for Judicial Notice in Support of the Motion, which are concurrently filed
11 under separate cover, and upon all pleadings, papers and documents on file herein, together
12 with those matters of which judicial notice has been requested, and any oral argument
13 which may be presented at the time of the hearing.

14 Pursuant to Local Rule 7-3, the parties met and conferred on April 8, 2010.

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16 Dated: April 9, 2010

TURNER, REYNOLDS, GRECO & O'HARA

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18 By: 
19 RICHARD J. REYNOLDS
20 ELIZABETH DOLAN SCOTT
21 Attorneys for Defendant, MTC Financial Inc.,
22 dba Trustee Corps
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